

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

VICKI L. SURBER,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04-920-CV-W-NKL-SSA
)	
JO ANNE B. BARNHART,)	
Commissioner of Social Security,)	
)	
Defendant.)	

ORDER

Pending before the Court is Plaintiff Vicki L. Surber's ("Surber") Motion for Attorney's Fees [Doc. 17]. On June 8, 2005, the Court granted Surber's Motion to Reverse the ALJ's decision and to Remand the case to the Commissioner for further consideration. (Order [Doc. 15].) The Court also directed the Clerk of the Court to enter a final judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure. *Id.*

Pursuant to 28 U.S.C. § 2412, the Court may award reasonable attorney's fees to the prevailing party in any civil action brought against any official of the United States acting in his or her official capacity. The parties agree that Surber is entitled to \$1,791.75 in fees. After consideration, the Court finds that the fees agreed to by the parties are reasonable. In addition, Surber requests reimbursement for costs in the amount of \$150.00 for the filing fee. The filing fee is a cost which is distinguished from an expense under the EAJA. 28 U.S.C. § 2412(a). Surber should be compensated for the filing fee of

\$150.00 from the Judgment Fund administered by the United States Treasury pursuant to 31 U.S.C. § 1304.

Accordingly, it is hereby

ORDERED that Plaintiff's Motion for Attorney's Fees [Doc. 17] is GRANTED. Plaintiff is awarded \$1,791.75 in attorneys' fees and \$150.00 for the filing fee, both of which shall be made payable to Frank T. Koch, attorney for Plaintiff.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

Dated: August 30, 2005
Jefferson City, Missouri